

Serial No. 10/693,248

Page 6

REMARKS

Claims 1, 3-10, and 15-22 are pending in this application. By this Amendment, claims 1, 10, and 17 are amended, claims 20-22 are added and claims 2 and 11-13 are cancelled without prejudice or disclaimer. Claims 20-22 are added to recite claim 11 in independent form along with claims 12 and 13 dependent therefrom. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 11-13 under 35 U.S.C. § 112, first paragraph for not enabling one of ordinary skill in the art to make and/or use the invention. This rejection is respectfully traversed.

The Office Action alleges the drawings and the specification do not provide support for the second part of the cellular telephone to have a first surface and a second surface that are tilted in opposite directions. Applicant respectfully disagrees with this rejection. The Office Action provides no basis for why the claim is not enabled. In particular, the Office Action only alleges there is not support in the specification for the claimed feature. However, this allegation does not support an enablement rejection. For example, claim 11 itself is self enabling because it describes the invention in a sufficient way to enable one of ordinary skill in the art to make and use the invention. Furthermore, the Office Action does not explain how claim 11 is not enabled. Again, the Office Action only alleges there is not support in the specification for the claimed feature. However, the mere alleged lack of support in the description does not, by itself, provide a proper foundation for an enablement rejection under 35 U.S.C. § 112, first paragraph because a claim can recite sufficient structure to be enabling to one of ordinary skill in the art.

Furthermore, Applicant asserts claim 11 is supported by the specification. In particular, Figs. 2 and 3 expressly disclose a pivot axis 212 tilted with respect to a longitudinal axis 214 by an angle  $\alpha$  and a first surface 120 and a second surface 206 tilted in an opposite direction with respect to the pivot axis 212 by the angle  $\alpha$ . Thus, claim 11 and claims 12 and 13 dependent therefrom are supported by the specification.

Accordingly, Applicants request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Serial No. 10/693,248

Page 7

The Office Action rejects, under 35 U.S.C. § 102, claims 1-10 and 17 over Wilk (U.S. Patent No. 6,643,124). The Office Action also rejects, under 35 U.S.C. § 103, claims 14, 15, 18, and 19 over Wilk and Matsumoto (U.S. Patent No. U.S. Patent Application Pub. No. 2003/0228847 A1). These rejections are respectfully traversed.

Applicant asserts Wilk does not disclose or suggest a first part, a second part coupled to the first part by a pivot mechanism, the second part including a camera, and a third part connected to the first part by a hinge that includes a hinge axis, the third part including a keypad, as recited in independent claim 1.

Applicant also asserts Wilk does not disclose first section including a keypad and a flip second section connected to the first section by a hinge, wherein the flip section comprises a first part that is coupled to the hinge, the first part comprising a first display and a pivoting head coupled to the first part by a pivot, wherein the pivot allows the pivoting head to be oriented to face different directions, and wherein the pivoting head includes a camera, as recited in independent claim 17.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Wilk does not disclose the features recited in independent claim 1 and such is not asserted by the Office Action.

Wilk also does not disclose the features recited in independent claim 17 and such is not asserted by the Office Action.

Therefore, Applicant respectfully submits that independent claims 1 and 17 define patentable subject matter. The remaining claims depend from the independent claims and therefore also define patentable subject matter. Accordingly, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 102 and 35 U.S.C. § 103.

Serial No. 10/693,248

Page 8

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully submits this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 3-10, and 15-22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to deduct any fees arising as a result of this Amendment or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,



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